



MEMORANDUM

To: The Planning Commission

From: Clarence Feagin, Ph.D., AICP, Senior Planner
Andrew Omer Trivette, Senior Biologist

Date: June 30, 2006

Re: **Major Conditional Use** approval for the development of a Transfer Station at the Rockland Key quarry site

I. **MEETING DATE:** July 12, 2006

II. **REQUEST:**

A. Applicant: City of Key West
Agent: Owen Trepanier, Trepanier & Associates, Inc.
Property Owner: ROCKLAND OPERATIONS LLC
P.O.BOX787
KEY WEST, FL 33041

B Proposed Use **Heavy Industrial Use:**

Solid Waste Transfer Station

- The City of Key West is proposing heavy industrial use of land and buildings by constructing and operating a solid waste transfer station on a four (4) acre lot located on Rockland Key. Solid waste from the City of Key West and the US Navy will be deposited, separated and warehoused in a fully enclosed building on this site, and then distributed to parts of mainland Florida by Waste Management Services under an existing contract with the City of Key West.
- In an enclosed transfer building trucks will dump their loads of trash, and the trash will be sorted and loaded into tractor trailers for overland transport out of the Keys.
- A maintenance facility will house the machine shop, tools, welders, etc., needed to maintain the facility.
- A scale house will track all transfer activity and control access to and from the site.
- An operations office will share the same building as the maintenance shop and will house the administrative staff.

- A customer drop off area is provided where private individuals may bring debris and recyclables to the SWTS to deposit in covered containers.
- Leachate holding tanks are provided to collect and hold all wastewater generated by the facility to transfer to a waste water treatment facility.
- A stormwater management system designed to hold and drain all stormwater collected onsite will be provided.

C. Location:

Mile Marker 9, Rockland Key, about 1,700 feet North of US 1.

D. Legal Description:

THE LEGAL DESCRIPTION WILL CHANGE AFTER FINAL PLAT APPROVAL PLAT AND RECORDATION OF PLAT. THE NEW PROPERTY DESCRIPTION WILL NEED TO GO HERE, AND DELETE THE ONE BELOW (SEE CONDITION 5).

21 67 26 ROCKLAND KEY PT LOTS 5-6 & 7 & ADJ PARCEL

OR1580-1638/40 OR2072-1706/1707Q/C

Alternate Key: 8934179, RE Number: 00122080-000100

E. Plans reviewed:

- Overall Site Plan (F-1), Floor Plan (F-2), Transfer Station Elevation Drawings (F-3), Office and Maintenance Buildings Floor Plans and Elevation Drawings (F-4) by CH2MHILL dated September, 2005, signed but not sealed 09/28/05.
- Conceptual Drainage Plan (C-4) and Storm Details (D-2) by Perez Engineering and Development dated 01/05/06, but not signed or sealed; and
- Boundary and Topographic Survey by AVIROM & ASSOCIATES INC Surveying & Mapping, dated 08/08/05 but not signed or sealed.

III. GENERAL PROCESS:

- a. Development Review Committee (DRC) recommendation June 13, 2006
- b. Planning Commission grant of approval July 14, 2006
- c. Notice of Grant of Approval for the Major Conditional Use to property owners within 300 foot radius of subject site; and
- d. Recording of conditional use approval with clerk of circuit court in the official records of Monroe County; and
- e. Apply for Building Permit within 6 months of approval of the conditional use; and
- f. Obtain Certificate of Occupancy within 2 years of issuance of initial building permit.

IV. **PRIOR COUNTY ACTIONS:** None

V. **BACKGROUND INFORMATION:**

A. Size of Site: 4 acres

B. Land use district: Industrial (I)

Sec. 9.5-220. Purpose of the Industrial District (I), LDRs

The purpose of the I district is to establish areas that are suitable for the development of industrial and manufacturing uses, warehousing and distribution uses.(Ord. No. 33-1986, § 9-120)

Section 9.5-4 Definitions, LDRs

(H-2) *Heavy industrial use* means an industrial use with greater than average potential impacts on the environment and that is characterized by significant impacts on adjacent uses in terms of noise, hazards and odors, such as junkyards, marine railways and dry docks, bulk petroleum storage, and resource extraction where more than twenty (20) percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds building floor area.

C. Future land use map (FLUM) designation: Industrial (I)

Policy 101.4.7 Comprehensive Plan

The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed. [9J-5.006(3)(c)1 and 7].

D. TIER Designation: TIER 3

E. Existing Vegetative Conditions:

This site is currently being utilized as an industrial excavation area with little to no upland native vegetation.

F. Community character of immediate vicinity:

The character of the immediate vicinity is Industrial land use. Surrounding land uses consist of resource extraction, storage and distribution of raw materials. Additional industries in the immediate vicinity include storage of heavy equipment and warehousing of supplies. This area is also used for the storage of storm debris and solid waste during the post-disaster recovery period after hurricanes.

G. Miscellaneous:

Before the 1980s the historic use of the site and surrounding area was heavy industrial use for resource extraction of raw materials such as rock and sand. It is currently used for the same purpose.

From 1986 and 1987 the area was zoned Native Area (NA) on the “Pattison” land use maps. From 1988 to present the area has been zoned Industrial (I) on the official “Craig” land use maps.

VI. REVIEW OF THE APPLICATION:

This is an application for a major conditional use to develop a solid waste transfer station. The application was reviewed by staff to ensure compatibility of the proposed use with surrounding properties and its appropriateness at this location.

A. Consistency with the purposes, goals, objectives, and standards of the comprehensive plan and land development regulations.

1. **Section 9.5-220. Purpose of the Industrial (I) District**

The purpose of the Industrial district is to establish areas that are suitable for the development of industrial and manufacturing uses, warehousing, and distribution uses.

2. **Section 9.5-260. Purpose of the Air Installation Compatibility Use Zone (AICUZ) overlay district.**

(a) This district provides classifications of property for existing or future military airports and regulates uses around, adjacent, and in the approach zones of military airports in order to:

(1) Establish the control of obstructions and construction of structures affecting navigable airspace in accordance with criteria delineated in volume XI, part 77 in federal aviation regulations, Florida Department of Transportation regulations, and this section; and

(2) Protect military airports against encroachment, to implement appropriate noise abatement strategies, and to regulate development and reduce public exposure of community activities, which are not compatible with military airport operations.

B. Consistency with Land Development Regulation Section 9.5-65, Standards applicable to all conditional uses. When considering applications for a conditional use permit, the planning director and planning commission shall consider the extent to which:

1. *The conditional use is consistent with the character of the immediate vicinity of the parcel proposed for development;*

The proposed heavy industrial use is consistent with the community character of property the immediate vicinity. The character of the immediate vicinity is vacant, scarified

industrially zoned land used in active resource extraction and storage of heavy equipment.

2. *The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties;*

Condition 1 To ensure compatibility with neighboring military air operations at NAS Key West, condition 1 is recommended as an attachment to the conditional use permit to ensure the design of the proposed development minimizes the adverse effects of bird attraction to the transfer station and the potential impacts this would pose by causing encroachment of birds into the approach and departure zones and effecting the safety of military aircraft operating at the adjacent Naval Air Station Key West.

Staff will defer making a recommendation as to compliance with the Section 9.5-260 until comments from a US Navy representative are provided. A coordination letter from the US Navy was received by the Planning Department regarding their position on the compatibility of the transfer station with nearby military air operations. The Navy provided comments which are reflected in Condition 1 and requested coordination between Navy staff and the City of Key West to arrange for a joint inspection of a similar facility on mainland Florida to view the design of the enclosure and observe first hand the potential for bird strikes associated with it. A joint site visit to a solid waste facility with similar design and construction was arranged by the City of Key West. The Planning Department has requested that Naval Air Station Key West send a representative to participate as an ex-officio member of the Planning Commission meeting on July 12, in order to provide comments regarding the compatibility of the transfer station with military air operations at Naval Air Station Key West.

Condition 2 is recommended as an attachment to the conditional use permit as a site design solution to minimize adverse visual impacts on adjacent properties. This condition is a standard condition for Heavy Industrial uses, pursuant to 9.5-249(c)(3)a. and b., LDRs.

Sec. 9.5-249. Industrial District (I).

(c) The following uses are permitted as major conditional uses in the Industrial District, subject to the standards and procedures set forth in article III, division 3:

(3) Heavy industrial uses, provided that:

- a. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height.
- b. The parcel proposed for development is separated from any established residential use by a class "F" buffer-yard.

3. *The proposed use will have an adverse effect on the value of surrounding properties;*

The proposed heavy industrial land use does not adversely effect the value of adjacent properties because land uses on surrounding properties within a 300 foot and greater radius are similar heavy industrial uses.

4. *The adequacy of public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and medical services, hurricane shelter, drainage systems, refuse disposal, water and sewers, and schools;*

The transfer station will serve as critical public infrastructure as a post disaster recovery site for the handling of debris. As a result of this project, public facilities in the lower Keys will increase. US 1 is the primary roadway serving the site and a secondary drive will be constructed to meet or exceed County requirements. However two conditions are recommended as attachments to the conditional use permit, in order to prevent or minimize adverse affects fire and traffic hazards on neighboring property and public facility.

Condition 3 is recommended as an attachment to the conditional use permit to prevent or minimize adverse effects of fires spreading to neighboring properties.

Based on a letter of coordination from the Fire Marshall, the applicant was notified that preliminary fire protection plans shall be included with improvements to water supply via fire hydrants and shall be submitted to the Fire Marshall's Office prior to final plan review for issuance of a building permit.

Condition 4 is recommended as an attachment to the conditional use permit to prevent or minimize unsafe traffic impacts and preserve Level of Service standards on public facilities (US 1).

Based on recommendations by the County traffic engineer, a sign stating "No Left Turns Onto US 1" shall be placed at the intersection where exiting truck traffic from the transfer station egresses onto US 1. In addition, the sign shall state that all Solid Waste Transfer Station truck traffic shall exit Westbound only, and Eastbound trucks shall use the Boca Chica underpass to turn around and go East.

5. *The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development;*

The City of Key West is experienced in the development, construction, operation & ownership of solid waste management systems.

6. *The development will adversely affect a known archaeological, historical or cultural resource;*

The development will not adversely affect a known archaeological, historical or cultural resource.

7. *Public access to public beaches and other waterfront areas is preserved as a part of the proposed development;*

Public access to public beaches and other waterfront areas will not be affected by this project.

8. *The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Monroe County Code;*

Additional Development Standards

Regulated by the Industrial Land Use District

Complies

Density 9.5-262

Not Applicable

Open Space 9.5-262

Yes

Intensity 6.5-269

Yes

Minimum yards, Section 9.5-281

Yes

District Boundary Buffer 9.5-377

Not Applicable

Other Applicable Requirements

Affecting Compatibility

Complies

Height, 9.5-283*

Yes

Outdoor lighting, Section 9.5-391

Yes

Parking, Section 9.5-352

Yes

*Item 13 (Height) of the letter of understanding dated July 19, 2005 was appealed by the applicant and amended so that the height of the transfer station building would be measured from the crown of the nearest platted road, which is US 1, instead of the grade near the proposed building before it is constructed. All other items in the letter of understanding remain un-amended.

V RECOMMENDED ACTION:

To prevent or minimize adverse effects of the solid waste transfer station on surrounding property and public facilities, Planning Staff recommends **APPROVAL** with the following conditions attached to the Major Conditional Use Permit:

Condition 1 Prior to final plan review for issuance of a building permit the applicant shall submit plans which address Naval Air Station Key West's comments and concerns regarding construction and operation of the City of Key West solid waste transfer station*. The plans, design, and operation of the facility shall address the four (4) comments provided in enclosure one (1) in the letter dated 18 April, 2006 by the Department of the Navy and signed by the Commanding Officer. Specifically:

Major Conditional Use
Key West Transfer Station

- a. Recycling materials shall be located within the enclosed transfer station area or in enclosed containers.
- b. A protocol shall be established to control the frequency and amount of unauthorized dumping of waste at the transfer station.
- c. A housekeeping protocol shall be performed in accordance with the guidelines specified in FAA Advisory Circular 5200.33, in order to minimize potential bird activity within the approach and departure corridor of the NAS Key West runways.
- d. A plan shall be provided for minimizing bird attraction to the two storm water retention ponds at the transfer station.

*If at the Planning Commission meeting on July 12, 2006 a representative from the Department of the Navy is satisfied that the current or revised plans for construction and operation of the transfer station adequately addresses these items, then Condition 1 shall be removed.

Condition 2 Pursuant to Section 9.5-249(c)(3) LDRs, prior to final plan review for issuance of a building permit the applicant shall submit plans indicating all outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six (6) feet in height. The applicant shall, prior to issuance of a building permit, submit plans including a class "F" buffer-yard in the northeast corner of the property which will allow the vegetation to utilize the proposed stormwater retention area for irrigation purposes.

Condition 3 Prior to final plan review for issuance of a building permit, preliminary fire protection plans shall be included with improvements to the water supply via fire hydrant and shall be submitted to the Fire Marshall's office. In addition, a detail sheet shall be included with the final set of approved and sealed plans on the fire stop system. Approved fire hydrants shall be provided for buildings to meet necessary fire flow requirements as determined by the Fire Official, and approved by the FCAA. Fire Department access shall comply with NFPS 1, Ch.18.

Condition 4 Prior to final plan review for issuance of a building permit the applicant shall submit plans which indicate signage stating "No Left Turns Onto US 1" placed at the intersection where exiting truck traffic from the transfer station egresses onto US 1. In addition the sign shall state that all Solid Waste Transfer Station truck traffic shall exit Westbound only, and Eastbound trucks shall use the Boca Chica underpass to turn around and go East. The sign shall meet the size, color, and location requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

Condition 5 The Major Conditional Use will not become effective until the Monroe County Board of County Commissioners approves the final plat of land where the proposed use is to be located.